

**DEPARTMENT OF MINES, MINERALS AND ENERGY  
DIVISION OF MINED LAND RECLAMATION**

**NOTICE OF REGULATION AMENDMENT**

The **Virginia Coal Surface Mining Reclamation Regulations** at 4 VAC 25-130-801.17 and 4 VAC 25-130-801.18 have been revised and amended to conform the performance bond release procedures that are applied to bonds furnished pursuant to the Coal Surface Mining Reclamation (Pool Bond) Fund, Virginia's "alternative bonding system," with bond release procedures used for other performance bonds.

The regulations were amended pursuant to the Virginia Administrative Process Act as of October 12, 2004. The Federal Office of Surface Mining Reclamation and Enforcement approved the Virginia amendments as of April 14, 2005 (Federal Register Vol. 70, No. 71, pages 19698-19702).

**4 VAC 25-130-801.17. Bond release application.**

The permittee participating in the Pool Bond Fund, or any person authorized to act upon his behalf, may file an application with the division for the Phase I, II or III release of the bond furnished in accordance with 4 VAC 25-130-801.12(b) for the permit area or any applicable increment thereof. The bond release application, the procedural requirements and the released percentages shall be consistent with the release criteria of 4 VAC 25-130-800.40. However, in no event shall the total bond of the permit be less than the minimum amounts established pursuant to Section 45.1-241 and 45.1-270.3.B of the Virginia Coal Surface Mining Control and Reclamation Act prior to completion of Phase III reclamation of the entire permit area.

**4 VAC 25-130-801.18. Criteria for release of bond.**

(a) The division shall release bond furnished in accordance with Section 45.1-241 and 45.1-270.3 of the Virginia Coal Surface Mining Control and Reclamation Act through the standards specified at 4VAC 25-130-800.40 upon receipt of an application for Phase I, II or III release.

(b) The division shall terminate jurisdiction for the permit area, or any increment thereof upon approval of the Phase III bond release for that area.

(c) In the event a forfeiture occurs the division may, after utilizing the available bond monies, utilize the Fund as necessary to complete reclamation liabilities for the permit area.

The respective amended regulations may also be viewed from the Division's web page at these links –

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+4VAC25-130-801.17>

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+4VAC25-130-801.18>

Should you have any questions regarding the bond release procedures, please contact the DMLR's Reclamation Services Manager at (276) 523-8197.